

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

AMERICAN POWER, LLC, :  
Plaintiff,  
v. : Case No. 3:17-cv-347  
DOUGLAS O. HARRIS, *et al.*, : JUDGE WALTER H. RICE  
Defendants. :  
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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #42);  
OVERRULING MIKE MORLEY'S MOTION TO DISMISS (DOC. #21)  
AND SCOTT LARSON'S MOTION TO DISMISS (DOC. #22)

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Defendants Mike Morley and Scott Larson each filed a Motion to Dismiss, Docs. ##21 and 22 respectively. Both argued that this Court lacked personal jurisdiction over them. Morley also argued that Plaintiff had failed to state a plausible claim against him, individually. On August 2, 2018, United States Magistrate Judge Sharon L. Ovington issued a Report and Recommendations, Doc. #42, in which she recommended that the Court deny both Motions to Dismiss.<sup>1</sup> Although the parties were notified of their right to file Objections to the Report and

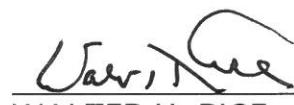
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<sup>1</sup> Morley also joined in the Motion to Dismiss filed by Defendants Douglas O. Harris, Murray J. Crane, Dektrix, LLC, Dektrix Transportation Services LLC and Dektrix Intermodal LLC, Doc. #20. The arguments raised in that Motion are the subject of a separate Report and Recommendations, Doc. #43.

Recommendations, and of the consequences of failing to do so, no Objections were filed within the time allotted.

Based on the reasoning and citations of authority set forth by Magistrate Judge Ovington in the Report and Recommendations, Doc. #42, the Court ADOPTS said judicial filing in its entirety, and OVERRULES Defendant Mike Morley's Motion to Dismiss, Doc. #21, and Defendant Scott Larson's Motion to Dismiss, Doc. #22.

Date: September 18, 2018



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE